



DEPARTMENT OF BUSINESS AND INDUSTRY  
**NEVADA TRANSPORTATION AUTHORITY**

**MINUTES OF THE MARCH 24, 2011 GENERAL SESSION**

**1. Call to Order**

*Chairman MacKay called the General Session to Order at approximately 9:37a.m.*

**2. Roll Call**

*Present in Las Vegas: Chairman Andrew J. MacKay, Commissioner Monica B Metz, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief Investigator Michael Bradford, Senior Deputy Attorney General David Newton. Present in Reno: Deputy Commissioner Marilyn Skibinski. Not present: Commissioner Michael J. Klobberdanz. Chairman MacKay noted that Commissioner Klobberdanz is serving as acting Administrator at the Taxicab Authority.*

**3. Pledge of Allegiance**

*Chairman MacKay led a recital of the Pledge.*

**4. \*\*Approval of Agenda**

*Administrative Attorney James Allen Day requested that Items 11(a), 11(e), 11(f), 16(a)(2) be removed from the Agenda. Approved 2-0 as amended.*

**5. \*\*Approval of the Minutes of the February 17, 2011 Agenda Meeting**

*Approved 2-0.*

**6. Briefings from the Chair and Commissioners**

*Commissioner Metz congratulated Lucky Limousine for its recent safety award from a trade magazine.*

*Chairman MacKay extended happy birthday wishes to Commissioner Metz.*

**7. Briefing from the Deputy Commissioner**

*None.*

**8. Report of Legal Counsel**

*Senior Deputy Attorney General David Newton reported that a petition for judicial review was recently filed in the Omni matter; that he is coordinating the compilation of the record on appeal; and that the parties are working to have the matter heard by the same judge who heard the earlier related matter.*

**9. \*\*Applications for Fully Regulated Carriers**

*Items 9(a), 9(b) and 9(c) were considered collectively. Chairman MacKay summarized the Applications, the procedural history in these matters, and the standards for consideration of the Applications pursuant to NRS 706.6411. Chairman MacKay recommended approval of the three Applications. Approved 2-0.*

- a) **Docket No. 10-08015** The Joint Application of Alan Waxler Group Charter Services, LLC for authority to sell and transfer and of AWG Ambassador, LLC to purchase and acquire Alan Waxler Group Charter Services, LLC d/b/a AWG Charter Services and Alan Waxler Group Charter Service, LLC, authorized to provide charter limousine and charter bus service under Certificates of Public Convenience and Necessity, (hereinafter "CPCN") 1068 and 2030, respectively. Staff investigation concluded.
- b) **Docket No. 10-08016** The Joint Application of Ambassador Limousine Limited Partnership for authority to sell and transfer and of AWG Ambassador, LLC to purchase and acquire Ambassador Limousine Limited Partnership d/b/a Ambassador Limousine, authorized to provide charter limousine service under CPCN 1041. Staff investigation concluded.
- c) **Docket No. 10-08017** The Joint Application of Ritz Transportation, Inc. for authority to sell and transfer and of AWG Ambassador, LLC to purchase and acquire Ritz Transportation, Inc., authorized to provide charter limousine, airport transfer and special services under CPCN 1089 and charter bus, airport transfer and special services under CPCN 2055. Staff investigation concluded.

#### 10. **\*\*Appeal from Taxicab Authority Decision**

**Docket No. 10-09015** The Appeal by Déjà vu Showgirls of Las Vegas, LLC and Little Darlings of Las Vegas, LLC from the Order of the Taxicab Authority dated September 2, 2010.

*Chairman MacKay summarized the matter and the standards for review of the Taxicab Authority decision. Chairman MacKay stated his findings that the decision of the Taxicab Authority was not clearly erroneous and recommended that the decision of the Taxicab Authority be affirmed.*

*Commissioner Metz stated that the Authority should show deference to the decisions of the Taxicab Authority with respect to the regulation of its regulated community, and that she sees no clearly erroneous action by the Taxicab Authority in this matter.*

*Attorney Neil Beller for the Appellant commented that the Taxicab Authority investigation was inadequate and that the matter should be remanded. Appeal denied and Taxicab Authority decision affirmed, 2-0.*

#### 11. **\*\*Financial Rates and Tariffs**

- a) **Docket No. 11-02010** The Application of Earth Limousines, LLC d/b/a Earth Limos for approval of a tariff rate modification for charter limousine services conducted under CPCN 1108. Staff investigation concluded.

*This item was removed from the Agenda prior to consideration.*

- b) **Docket No. 11-02014** The Application of Royalty Limos, LLC d/b/a Royalty Limos for approval of a tariff rate modification for charter limousine services conducted under CPCN 1059. Staff investigation concluded.

*Attorney Kimberly Maxson-Rushton was present on behalf of the Applicant. Financial Analyst Yvonne Shelton summarized the proposed changes and expressed Staff support for the Application. Commissioner*

*Metz requested further Staff analysis of the difference between the walk-up and called-in rates. Ms. Rushton stated that the called-in charters tend to involve more intensive use of the transportation services, whereas walk-up charters tend to be a single trip on limited duration. Approved 2-0.*

- c) **Docket No. 11-03005** The Application of Slater Transfer and Storage, Inc. for approval of a tariff rate modification for household goods moving services conducted under CPCN 3255. Staff investigation concluded.

*Financial Analyst Yvonne Shelton summarized the proposed changes and expressed Staff support for the Application. Approved 2-0.*

- d) **Docket No. 11-03007** The Application of Airport Mini Bus for approval of a tariff rate modification for airport transfer services conducted under CPCN 2350. Staff investigation concluded.

*Financial Analyst Yvonne Shelton summarized the proposed changes and requested additional time for Staff to review additional information provided by the Applicant one day prior to the General Session. Jeannie O'Doan stated that the Applicant had not previously applied for tariff rate modification for these services; that the vast majority of the transfer services are for interstate trips; and that the current rates are too low to assure profitability. In response to questions from Commissioner Metz, Ms. Shelton stated that the Application was filed March 3, 2011; that there are no other airport shuttle carriers in northern Nevada; and that the longest routes for airport shuttles in Southern Nevada include \$50, \$60, and \$100 roundtrip rates for routes that are shorter than the Applicant's routes. In response to a question from Chairman MacKay, Ms. O'Doan stated that the \$4.00 Reno rate only accounts for a small portion of revenues and is not significant to the companies overall revenues. Chairman MacKay stated his support for the Application, with the Staff to complete its review and bring the matter back to the full Authority if significant concerns develop. Commissioner Metz suggested that the Application be approved on an interim basis, to be reconsidered at the next General Session. Approved 2-0 conditional upon no Staff concerns upon Staff's final review, and that Staff may place the matter on the Agenda for further consideration at the next General Session.*

- e) **Docket No. 11-03008** The Application of Bell Limo for approval of a tariff rate modification for charter limousine services conducted under CPCN 1217. Staff investigation concluded.

*This item was removed from the Agenda prior to consideration.*

- f) **Docket No. 11-03009** The Application of Whittlesea Checker Taxi, Inc. for approval of a tariff rate modification for taxicab services conducted under CPCN 2118. Staff investigation concluded.

*This item was removed from the Agenda prior to consideration.*

- g) **Docket No. 11-03010** The Application of Bell Trans for approval of a tariff rate modification for airport transfer services conducted under CPCN 1023. Staff investigation concluded.

*Attorney Jeffrey Silver was present on behalf of the Applicant. Financial Analyst Yvonne Shelton summarized the proposed changes and expressed Staff support for the Application. Mr. Silver described the rationale for the proposed new rates; the vehicle types that would be used; the limitations designed to assure that the service is not predatory to existing charter limousine services; and the system of printed vouchers that will help to distinguish the shuttle service from charter limousine service. Commissioner Metz proposed that the Application be granted on an interim basis, with the matter to be reconsidered at a future General Session*

*near the end of the trial period. Sam Steiner of Jacob Transportation urged the Authority to confirm that the service requires advance purchase and pre-printed vouchers, in order to prevent walk-up service. Approved 2-0 on an interim basis for 12 months, to be considered for permanent approval at a future General Session prior to the expiration of the interim approval.*

## **12. \*\*Petition to Deviate from Regulations:**

**Docket No. 11-03003** Pursuant to NAC 706.1305, Whittlesea Checker Taxi (CPCN 2118) requests deviation from NAC 706.3745 (2) and (3) in order to allow a twelve-month extension on the retirement dates of certain taxicabs. Staff investigation concluded.

*Attorney Kimberly Maxson-Rushton was present on behalf of the Petitioner. Chairman MacKay summarized the Petition; proposed that the Petition be granted for only the six vehicles scheduled for replacement in 2011 and the 12 vehicles scheduled for replacement in 2012; and proposed that the carrier would seek a regulatory change to address vehicles scheduled for replacement in 2013 and beyond. Applications Manager Liz Babcock stated that Staff found the vehicles to be in good condition and that Staff supports the Petition as verbally modified by Ms. Rushton. Chairman MacKay stated that he could not have supported the Petition as filed in that it seeks relief extended more than five years into the future; that the 12 month extension seems reasonable based upon the lower mileage on the taxicabs vis-à-vis the taxicabs covered by the prior six-month extension granted to another carrier; and that granting deviation beyond the six vehicles scheduled for replacement in 2011 would be improper ad hoc rulemaking. Ms. Rushton stated that the Applicant would consent to amending the request to cover only the six vehicles scheduled for replacement in 2011. Commissioner Metz noted that a proposal to extend taxicab service life was submitted during the Authority's recent rulemaking, but that no members of the regulated community appeared at rulemaking workshops or adoption hearings in support of the proposal, which was subsequently dropped. Commissioner Metz stated that granting the Petition would be akin to ad hoc rulemaking, and that she opposes the Petition even as amended. SDAG Newton suggested that tabling the matter until a future General Session may allow for consideration by all three Commissioners, thereby avoiding a stalemate. Jeannie O'Doan of the Petitioner stated that the vehicles accrue lower mileage totals than similar taxicabs in Clark County, which have a longer service life limitation. Chairman MacKay moved to table the matter until a future next General Session, with Staff to work with Petitioner to adduce additional information regarding the Petition. The Chairman's motion was approved, 2-0.*

## **13. \*\*Petition for Temporary Transfer of Authority Pursuant to NAC 706.359:**

- a) **Docket No. 11-02005** In the matter of the Joint Petition of Roy L. Street dba Capitol Cab Company and of Phyllis Clemmer dba Fernley Taxi (CPCN 1030, Sub.1) pursuant to NAC 706.359 requesting approval of the reinstatement of CPCN 1030 to active status and the temporary transfer of CPCN 1030 to Capitol Cab pending the application and approval of final sale and transfer.

*Applications Manager Liz Babcock summarized the Joint Petition and requested that the Applicant be required to provide additional information required by NAC 706.359. Commissioner Metz noted that the information sought by Staff appeared to be included within the terms of the contract provided by the Petitioners. The Petition was granted by a vote of 2-0 for the period of 24 months from February 17, 2011.*

- b) **Docket No. 11-02006** In the matter of the Joint Petition of 24/7 Transportation and of A.T.V. Action Tours, Inc (CPCN 1039) pursuant to NAC 706.359 requesting approval of the reinstatement of CPCN 1039 to active status and the temporary transfer of CPCN 1039 to 24/7 Transportation pending the application and approval of the final sale and transfer.

*Applications Manager Liz Babcock summarized the Joint Petition and the Staff's review of the Petition. Ms. Babcock stated that Staff supported the Petition with respect to financial and operational fitness, and requested three compliance items. Tony Clark, owner of Transferee Applicant 24/7 Transportation, summarized the*

*proposed operations. The Petition was granted by a vote of 2-0 for the period of 24 months from March 24, 2011, contingent upon the compliance items requested by Ms. Babcock.*

#### **14. \*\*Formal Written Complaint:**

**Docket No. 11-01015** The formal written complaint of Patricia Grimes against C & J Development Enterprises d/b/a Custom Towing. Pursuant to NAC 706.3977, the Staff of the Authority cannot resolve the formal written complaint and has therefore transmitted the complaint to the Authority for review. If the Authority finds no probable cause exists for the formal written complaint, it will order the complaint dismissed pursuant to NAC 706.3978. If the Authority finds probable cause exists for the formal written complaint, it will set a date for a public hearing on the complaint and/or order appropriate interim relief, pursuant to NAC 706.3979.

*The Complainant Patricia Grimes was present and summarized her complaint. Ms Grimes proposed that rules be enacted to address circumstances where a disabled person parks in a disabled parking space at a closed business on a national holiday when a special event is being held to honor a civil rights leader.*

*Commissioner Metz noted that the Authority has limited jurisdiction in this matter related to the tow company and the tow, and that remedies related to vehicle damages and the propriety of the tow request are outside the Authority's jurisdiction.*

*By a vote of 2-0, the Authority found no probable cause for the complaint, and ordered the complaint dismissed pursuant to NAC 706.3978.*

#### **15. Notices (No action required)**

**Docket No. 11-02011** The temporary discontinuance from February 1, 2011 through August 1, 2011 of services provided by Silver State Towing, Inc. under CPCN 7156. Staff investigation concluded.

#### **16. \*\*Consent Items**

##### **a) Applications for Certificates of Public Convenience and Necessity to Provide Tow Car Service**

- 1) **Docket No. 10-11022** The Application of Juan Castillo d/b/a Castillo Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.

*Applications Manager Liz Babcock summarized the Application and expressed Staff support for the Application. Approved 2-0.*

- 2) **Docket No. 10-11024** The Application of 24/7 Towing, Inc. for an expansion of authority to provide non-consent tow car service by tow car vehicle within the State of Nevada under CPCN 7238. Staff investigation concluded.

*This item was removed from the Agenda prior to consideration.*

- 3) **Docket No. 10-12001** The Application of Reliable Towing, LLC for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.

*Applications Manager Liz Babcock summarized the Application and expressed Staff support for the Application. Approved 2-0.*

b) Name Changes

- 1) **Docket No. 11-01001** The petition of Mai Niv Enterprises, Inc. d/b/a ABC Towing seeking approval for a name change to add the d/b/a Southwest Auto Towing for tow car operations conducted under CPCN 7242. Staff investigation concluded.

*Applications Manager Liz Babcock summarized the Application and expressed Staff support for the Application, with the compliance items to include the voluntary cancellation of the existing certificate utilizing the name Southwest Auto Towing. Approved 2-0.*

- 2) **Docket No. 11-01017** The petition of Main Gate Towing, LLC d/b/a AAA Towing seeking approval for a name change from d/b/a AAA Towing to d/b/a Titan Towing for tow car operations conducted under CPCN 7257. Staff investigation concluded.

*Applications Manager Liz Babcock summarized the Application and expressed Staff support for the Application. John Rubins of AAA Insurance thanked the Applicant and the Authority Staff for working to eliminate confusion regarding the carrier's use of the name AAA Towing. Approved 2-0.*

c) Administrative Citations and Impoundments

*Commissioner Metz requested that for Citations related to medical cards, the settlement agreements or hearing include evidence of the current status of the medical card. Items 16(c)(1) through (37) were considered collectively and approved by a vote of 2-0.*

- 1) **Citation 14465** issued to Wesley-Ian Bernard McVey for violations of NRS 706.386 and NRS 706.758. (AJM)
- 2) **Citation 14466** issued to David Earl Nystrom for a violation of NAC 706.247/49 CFR 391.41. (AJM)
- 3) **Citation 14478** issued to Jerry Oliver Keys for a violation of NRS 706.758. (AJM)
- 4) **Citation 14343** issued to Kenneth Eady d/b/a 24/7 Towing for violations of NAC 706.247/49 CFR 391.43 (2 counts). (MJK)
- 5) **Citation 14344** issued to Champion Movers for violations of NAC 706.247/49 CFR 382.301(a) (2 counts) and NAC 706.247/49 CFR 382.305(a) (6 counts). (MJK)
- 6) **Citation 14808** issued to Gerrit Blok for a violation of NAC 706.228(3) as amended by LCB File No. R127-07. (MJK)
- 7) **Citation 14991** issued to Pro Action Limousine and Concierge Services, LLC for violations of NRS 706.465 and NAC 706.247/CFR 396.17. (MJK)
- 8) **Citation 15209** issued to Alejandro Carpio Heredia for violations of NRS 706.386 and NRS 706.758. (MJK)
- 9) **Citation 15246** issued to CLS Nevada, LLC for a violation of NAC 706.311. (MJK)
- 10) **Citation 15377** issued to Rafael Correa for violations of NRS 706.386 and NRS 706.758. (MJK)

- 11) Citation 15406** issued to Zachary Butler for violations of NRS 706.386 and NRS 706.758. (MJK)
- 12) Impounds 1394 and 1807** The impoundment pursuant to NRS 706.476 of two vehicles registered to Bryan Keizer and/or Joy Airport Services. (MJK)
- 13) Impound 1644** The impoundment pursuant to NRS 706.476 of a vehicle registered to Fedor M. Litvinov. (MJK)
- 14) Impound 1810** The impoundment pursuant to NRS 706.476 of a vehicle registered to Darwin Dominguez-Correa. (MJK)
- 15) Impound 1818** The impoundment pursuant to NRS 706.476 of a vehicle registered to Betty J. Butler. (MJK)
- 16) Impound I-1812 and Citation 15208** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15208 issued to Rosa Castaneda for violations of NRS 706.386 and NRS 706.758. (MJK)
- 17) Citation 14345** issued to H.I.S. Tours USA, Inc. d/b/a H.I.S. Tours, for a violation of NAC 706.247 /49 CFR 382.301(a)(1). (MBM)
- 18) Citation 15291** issued to Carlos Omar Julian for a violation of NAC 706.329. (MBM)
- 19) Citation 15298** issued to Sogho Soghomonian for violations of NAC 706.329 and NAC 706.228. (MBM)
- 20) Citation 15300** issued to EcoNation Chauffeured Transportation for a violation of NRS 706.386. (MBM)
- 21) Citation 15307** issued to Moses Fentahun Ayele for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.228. (MBM)
- 22) Citation 15404** issued to Edward Gordon Ponzio for violations of NAC 706 as amended by LCB File No. R127-07(1), NAC 706.228(3), and NAC 706.228(5). (MBM)
- 23) Citation 15426** issued to Anthony DiBellonia for a violation of NRS 706.386. (MBM)
- 24) Impound 1654** The impoundment pursuant to NRS 706.476 of a vehicle registered to Domingo Alonso. (MBM)
- 25) Impound 1608 and Citation 15379** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15379 issued to Jacoline Chase for violations of NRS 706.386 and NRS 706.758. (MBM)
- 26) Impound 1811 and Citation 14999** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 14999 issued to Shannon Robert Mullaney for violations of NRS 706.386 and NRS 706.758. (MBM)

- 27) Impound 1813 and Citation 15403** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15403 issued to Nick Zenquis for violations of NRS 706.386 and NRS 706.758. (MBM)
- 28) Impound 1816 and Citation 15409** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15409 issued to Alberto Perez for violations of NRS 706.386 and NRS 706.758. (MBM)
- 29) Citation 14467** issued to Marshall A. DeSerio for a violation of NAC 706.247/49 CFR 391.41.
- 30) Citation 14480** issued to Richard D. Fife for a violation of NAC 706.247/49 CFR 391.41.
- 31) Citation 14996** issued to Levon Ovassapian for violations of NAC 706.228 as amended by LCB File No. R127-07 and NAC 706.228(3).
- 32) Citation 14997** issued to Orazio Cialini for a violation of NAC 706.228 as amended by LCB File No. R127-07.
- 33) Citation 15207** issued to The Tow Truck Company for a violation of NAC 706 as amended by LCB File No. R075-08.
- 34) Citation 15296** issued to Bryan Keizer and/or Joy Airport Services for violations of NRS 706.386 and NRS 706.758.
- 35) Citation 15299** issued to Rodrigo Perez for a violation of NAC 706.329.
- 36) Citation 15372** issued to Haile Getachew for violations of NAC 706.329 and NAC 706.247/49 CFR 391.41.
- 37) Citation 15427** issued to Jeffrey Blumer for violations of NAC 706.228 as amended by LCB File No. R127-07 and NAC 706.228(3).

## **17. Public Comment**

## **18. Adjournment**

*Chairman MacKay adjourned the General Session at approximately 1:47p.m.*

**\*\* Denotes the Authority is expected to consider and may take action on this matter.**